EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Steven Pokotilow on July 27, 2009.

The application has been amended as follows:

Claim 1: the term "and" has been removed from the recitation "one or more gripping mechanisms for gripping the containers, and" (line 7);

Claim 1: the recitation "wherein the cooling arrangements includes" (lines 9-10) has been amended to read - -wherein the cooling arrangements include- -;

Claim 1: the recitation "a pair of cooling components constructed and arranged to secure the sealed portion therebetween, including" (lines 11-12) has been amended to read - - a pair of cooling components constructed and arranged to secure the sealed portion therebetween, the pair of cooling components including- -;

Claim 1: the recitation "wherein the cooling assembly further comprises" (line 23) has been amended to read - -wherein the cooling arrangement further comprises- -;

Claims 10-12: each recitation "wherein the gripping mechanism" (line 1 of each claim) has been amended to read - -wherein each gripping mechanism- -;

Claim 18: the recitation " an arm connected to the fixed cooling component and the actuator comprises a plurality of cooling rods, each cooling rod connected to at least one other

cooling rod, wherein at least two cooling rods are pivotally connected to the arm and at least one cooling rod is connected to the displaceable cooling component; an actuator constructed and arranged to move the displaceable cooling component away from the fixed cooling component" (lines 12-17) has been amended to read - - an actuator constructed and arranged to move the displaceable cooling component away from the fixed cooling component, wherein the actuator comprises a plurality of cooling rods, each cooling rod connected to at least one other cooling rod; an arm connected to the fixed cooling component, wherein at least two cooling rods are pivotally connected to the arm and at least one cooling rod is connected to the displaceable cooling component- -;

Claim 21: the following recitation has been deleted from the claim: "the cooling arrangement comprises a fixed cooling component and a displaceable cooling component, wherein the displaceable cooling component is selectively displaceable between an open position for receiving a container and a closed position for securing the container between the fixed cooling component and the displaceable cooling component; and wherein" (lines 2-6)

2. The following is an examiner's statement of reasons for allowance:

The prior art does not anticipate nor render obvious the combination set forth in independent claims 1 and 18, and specifically does not disclose the cooling assembly comprising an arm connected to the fixed cooling component; and the actuator comprising a plurality of cooling rods, each cooling rod connected to at least one other cooling rod; wherein at least two cooling rods are pivotally connected to the arm and at least one cooling rod is connected to the displaceable cooling component. The closest prior art of record, Hiramoto et al. (US Patent No. 6,655,114 B2) and Kundert (US Patent No. 2,759,339) disclose all of the other claimed

limitations, but not that the cooling assembly comprises an arm connected to the fixed cooling component; and the actuator comprising a plurality of cooling rods, each cooling rod connected to at least one other cooling rod; wherein at least two cooling rods are pivotally connected to the arm and at least one cooling rod is connected to the displaceable cooling component. Although it is well known in the art to incorporate cooling elements in order to cool a temperature sensitive product, there is no teaching in the prior art of record that would, reasonably and absent impermissible hindsight, motivate one of ordinary skill in the art to modify the teachings of the prior art to incorporate an arm connected to the fixed cooling component, or to modify the actuator as defined to incorporate a plurality of cooling rods, wherein each cooling rod is connected to at least one other cooling rod, wherein at least two cooling rods are pivotally connected to the arm and at least one cooling rod is connected to the displaceable cooling component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN LOFFREDO whose telephone number is (571) 270-7114. The examiner can normally be reached on M - F 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler and Frantz Jules can be reached on (571) 272-4834 and (571) 272-6681.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheryl J. Tyler/
Supervisory Patent Examiner, Art Unit 3744

/Justin Loffredo/
July 27, 2009